

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,980	12/27/2000	Elaine Lee	8600-0010	6822
7	590 03/08/2004		EXAMINER	
ROBINS AND PASTERNAK LLP			BAXTER, JESSICA R	
1731 EMBARO PALO ALTO,	CADERO ROAD, SUITE CA 94303	230	ART UNIT PAPER NUMBER	
,			3731	22
			DATE MAILED: 03/08/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

·		_	<b>\$</b>		
-	Application No.	A cant(s)	1		
	09/749,980	LEE, ELAINE			
Office Action Summary	Examiner	Art Unit	V		
	Jessica R Baxter	3731			
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the	correspondence add	dress		
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	I36(a). In no event, however, may a reply be the statutory minimum of thirty (30) daywill apply and will expire SIX (6) MONTHS from the application to become ABANDON	imely filed  ays will be considered timely m the mailing date of this co IED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on					
·- · · · · · · · · · · · · · · · · · ·	—· s action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4)	wn from consideration.		nent.		
Application Papers	·				
9)☐ The specification is objected to by the Examine	er.				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.					
Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	ee 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	•	-	` '		
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	ts have been received. ts have been received in Applica nity documents have been receiv u (PCT Rule 17.2(a)).	ition No ved in this National	Stage		
Attachment(s)					
1) Notice of References Cited (PTO-892)	4) Interview Summar				
<ol> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> <li>Paper No(s)/Mail Date</li> </ol>	Paper No(s)/Mail I  5) Notice of Informal  6) Other:		)-15 <u>2</u> )		
S Patent and Trademark Office	<del></del>	<del></del>			

Art Unit: 3731

## **DETAILED ACTION**

## Election/Restrictions

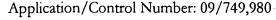
1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Please select one from each group. (e.g. 2a and 3f).

- 2. Please select one of the following:
  - a. Coil
  - b. Filter
- 3. Please select one of the following:
  - a. Fibrin;
  - b. Polyethylene glycol derivatives;
  - c. At least one cytokine;
  - d. Extracellular matrix material;
  - e. DNA, RNA;
  - f. Trace meta;l
  - g. Thrombus-stabilizing molecule;
  - h. Thrombin-coated gelatin granules; and
  - i. Balloons coated with iron microspheres.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 1, 11, 14-16 and 19 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon,



Art Unit: 3731

including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica R Baxter whose telephone number is 703-305-4069. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano can be reached on 703-308-2496. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica R Baxter Examiner Art Unit 3731

Hb Hb

MICHAEL J. MILANO SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3700